

Order

**Michigan Supreme Court
Lansing, Michigan**

December 29, 2006

131517 & (5)(7)

IN RE CERTIFIED QUESTION FROM
THE FOURTEENTH COURT OF
APPEALS DISTRICT OF TEXAS,

GLENN MILLER, ESTATE OF CAROLYN
MILLER, SHAWN DEAN, JOHN ROLAND,
and ALMA ROLAND,
Plaintiffs,

v

FORD MOTOR COMPANY,
Defendant.

Clifford W. Taylor,
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

SC: 131517
CA-14: 14-05-00026-CV
239th DC: 15077*JG01

On order of the Court, the motions to admit counsel pro hac vice and to file a surreply brief are GRANTED. The question certified by the Texas Court of Appeals (Fourteenth District) is considered, and the request to answer the question is GRANTED. If the parties wish to file further briefs, they must be prepared in conformity with MCR 7.306 through 7.309.

The Michigan Manufacturers Association, the Michigan Trial Lawyers Association, the Negligence Law Section of the State Bar, and the Michigan Chamber of Commerce are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.

CAVANAGH, J., would decline to answer the certified question.

WEAVER, J., dissents and states as follows:

I dissent from the order granting the request of the Texas Court of Appeals, Fourteenth District, for an answer to the question, because I continue to question this

Court's constitutional authority to hear questions certified by other courts.¹ Justice Young² and Justice Levin³ have also questioned this Court's authority to answer certified questions. Therefore, I would decline to answer the question in this case.

¹ See, e.g., *In re Certified Questions (Melson v Prime Ins Syndicate, Inc)*, 472 Mich 1225 (2005) (Weaver, J., concurring); *In re Certified Question (Wayne Co v Philip Morris Inc)*, 622 NW2d 518 (2001) (Weaver, J., dissenting); *Proposed Amendment of MCR 7.305*, 462 Mich 1208 (2000) (Weaver, J., dissenting); *In re Certified Question (Kenneth Henes Special Projects Procurement, Marketing & Consulting Corp v Continental Biomass Industries, Inc)*, 468 Mich 109 (2003) (Weaver, J., concurring).

² See *In re Certified Question (Wayne Co v Philip Morris Inc)*, 622 NW 2d 518 (2001) (Young, J., concurring).

³ See *In re Certified Question (Bankey v Storer Broadcasting Co)*, 432 Mich 438, 462-471 (1989) (separate opinion by Levin, J.).



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 29, 2006

A handwritten signature in cursive script that reads "Corbin R. Davis".

Clerk